IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1007 OF 2005

Anjum Gulam Rasool Patel. ..Appellant.

V/s.

The State of Maharashtra. ..Respondent.

Mr.Prakash Naik for appellant.

Mr.V.B.Konde-Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 14, 2005.

P.C. :

1. Heard counsel for the parties. In the first place, the matter is wrongly filed and number as appeal. For the order impugned is an interlocutory order being of cancellation of bail.

2. In any case, I see no reason to depart from the conclusion reached by the court below in allowing the application preferred by the prosecution so as to cancel the bail which was operating in favour of the applicant for the reasons recorded in the Judgment dated 14th October, 2005. There is direct authority on the point that while on bail if provisions of MCOCA were to be applied against the accused that can be ground for cancellation of bail as is seen in the

case of **Sarang Arvind Goswamy V/s. State of Maharashtra, 2005 ALL MR(Cri) 1954.** Hence this application should fail. Dismissed.

3. Counsel for the applicant submits that the applicant is physically handicapped, for which reason, the court may show some indulgence by giving some time to the applicant to surrender. The applicant shall surrender within two weeks from today, on condition that the applicant shall report to the investigating officer daily between 4 p.m. to 6 p.m.

4. All other questions on merits are left open.